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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,847	06/26/2003	Sandeep P. Golikeri	BA0346.2C (NORT10-00324)	5746
33000	7590	03/09/2007	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			O CONNOR, BRIAN T	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/606,847

Applicant(s)

GOLIKERI ET AL.

Examiner

Brian T. O'Connor

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/1/2004 & 4/12/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the preliminary amendment filed on 03/01/2004.
2. Claims 1-79 have been canceled. Claims 80-97 have been added. Claims 80-97 are pending.

Specification

3. The abstract of the disclosure is objected to because the abstract contains more than 150 words; according to 37 CFR 1.72 (b) the abstract may not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 87 is objected to because of the following informalities: On line 2 of claim 87, "the **method** comprising" is recited; however the claim preamble starts with a **module**. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa (US 5,222,064; cited in IDS dated 03/01/2004) in view of Jain et al. (US 5,737,601; hereafter Jain).

With respect to claim 94, Sagawa discloses a method to manage addresses by a module (61 of Figure 2) or apparatus in a communication system (1 of Figure 2) with multiple interconnected modules (62, 63 of Figure 2) containing the steps of receiving a data packet (7C, 7D, 7E of Figure 4) having a source address (7D of Figure 4) from a communication device (column 1, lines 67-68; 21 of Figure 2; where a communication device must send the frame to the module); then adding the source address to a local address database (5A of Figure 1; column 2, lines 4-7); then periodically checking each address in the address database to see if a certain period of time has elapsed without the address re-appearing in received frames (column 4, lines 43-52; where the address is obsolete and removes if the period of time exceeds a certain value).

Sagawa fails to disclose when a change is made to the local address database by adding or deleting an entry then a message is sent to remote database in one of the interconnected modules to perform the same addition or deletion to the remote database.

Jain discloses two databases which are synchronized by a method of triggers; trigger are associated with changes (inserts or deletes) to a local database and cause a message (deferred remote procedure call or DRPC) to be sent to a remote database to perform the same change (column 5, lines 47-52; column 6, lines 54-62; column 13, line 62 – column 14, line 26).

Jain realizes the benefit of keeping all changes maintained across multiple database (column 6, lines 30-32). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Jain with the method of Sagawa.

With respect to claim 95, Sagawa fails to disclose a database control message containing an identifier for the module.

Jain discloses that the DRPC or control message has a name corresponding to the table being modified. One of ordinary skill in the art would realize the benefit of naming local table with an identifier for the module.

Jain realizes the benefit of keeping all changes maintained across multiple database (column 6, lines 30-32). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Jain with the method of Sagawa.

With respect to claim 96, Sagawa fails to disclose a remote module commanding changes (inserts or deletes) to the local database.

Jain discloses the method as described previously including the steps of either database triggering changing in the other database with DRPCs (column 5, lines 47-52; column 6, lines 54-62; column 13, line 62 – column 14, line 26).

Jain realizes the benefit of keeping all changes maintained across multiple database (column 6, lines 30-32). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Jain with the method of Sagawa.

With respect to claim 97, Sagawa further disclose a timer is used to check the time or age of an entry in the address database (column 4, lines 43-52).

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 80-93 are rejected on the ground of nonstatutory double patenting over claims 1 and 49 of U. S. Patent No. 6,597,700 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

With respect to claims 80-86, claim 80 recites every feature in claim 1 of U. S. Patent No. 6,597,700 and is broadened by using the legal term "comprising" on line 3.

It is well settled that broadening the scope of claims would have been obvious to one of ordinary skill in the art in view of the narrower issued claim. In *re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982) and *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993):

With respect to claims 87-93, claim 87 recites every feature of claim 49 of U. S. Patent No. 6,597,700, however claim 87 is for a module and claim 49 is for a method.

One of ordinary skill in the art would realize a module is required to implement to method of claim 49.

In addition claim 87 is broadened by using the legal term "means for" on lines 3, 5, 7, 10, 12, and 14. It is well settled that broadening the scope of claims would have been obvious to one of ordinary skill in the art in view of the narrower issued claim. In *re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982) and *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. O'Connor whose telephone number is 571-270-1081. The examiner can normally be reached on 9:00AM-6:30PM, M-F, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. O'Connor
March 1, 2007



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